

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

NO. 1:22-cr-58-LG-BWR

PATRICK DARNELL DANIELS, JR.

**PATRICK DARNELL DANIELS, JR.'S RESPONSE TO
THE GOVERNMENT'S MOTION FOR BOND HEARING**

NOW COMES the Defendant, PATRICK DARNELL DANIELS, JR., by and through the undersigned counsel, who hereby responds to the Government's Motion for Bond Hearing [ECF 72], and asserts the following:

1. The United States Court of Appeals for the Fifth Circuit entered its opinion in *United States v. Daniels*, 124 F.4th 967 (5th Cir. 2025) on January 6, 2025. The Government requested an extension of time to file a petition for rehearing in that court, which was granted, No. 22-60596, ECF 208. The Government allowed the deadline to pass without seeking rehearing and the mandate issued on February 20, 2025. No. 22-60596, ECF 211.

2. The Government has indicated that it may again seek a writ of certiorari of the Fifth Circuit decision in the United States Supreme Court. It took this same stance following the disposition of *United States v. Daniels*, 77 F.4th 337 (5th Cir. 2023), *cert. granted, judgment vacated, remanded*, *United States v. Daniels*, 144 S. Ct. 2707 (2024) (*Daniels I*). After Mr. Daniels's conviction was reversed and then indictment was dismissed on appeal pursuant to the Fifth Circuit's order in *Daniels I*, on August 9, 2023, the Government moved for and was granted an extension of time to file a petition for rehearing, *United States v. Daniels*, No. 22-60596, ECF 141 (motion), ECF 146 (order granting motion). The Government allowed its deadline to elapse and the mandate to issue without petitioning for rehearing. *See* No. 22-60596, ECF 148 (indicating

that the mandate was issued). It then filed a petition for writ of certiorari in the Supreme Court on October 5, 2023, *see* ECF 149, which was granted on July 2, 2024, *see* ECF 151. On July 3, 2024, the Supreme Court vacated the petition for further proceedings in light of its decision in *United States v. Rahimi*, 602 U.S. 680 (2024). *Daniels*, 144 S. Ct. 2707. The case was remanded to the Fifth Circuit on August 5, 2024. No. 22-60596, ECF 172.

3. After the Supreme Court ruled, the Fifth Circuit initiated multiple rounds of supplemental briefing and held another oral argument before ultimately entering its opinion on January 6, 2025. *See* No. 22-60596, ECF 153, 183, 192, 197. Again, the Government requested an extension to file a petition for rehearing, which was granted, No. 22-60596, ECF 200 (motion), 208 (order granting motion), however it let the deadline pass without seeking rehearing. The mandate issued on February 20, 2025. No. 22-60596, ECF 211.

4. The Government has indicated that it may again seek a writ of certiorari in the Supreme Court. The Supreme Court has not yet considered a Second Amendment challenge to the constitutionality of 18 U.S.C. § 922(g)(3). Accordingly, defense counsel believes this case—especially because certiorari was previously granted—may again come before the Supreme Court. Should that happen, it is unclear how long Mr. Daniels will be forced to wait for ultimate resolution of his case. During the last round of appeals, Mr. Daniels was detained for over 16 months—from his initial detention on May 2, 2022 until September 26, 2023, after the district court granted his motion for release following issuance of the mandate in *Daniels I*. *See* ECF 64, 67.

5. Mr. Daniels has not constitutionally been convicted of a crime in this Court. The Government indicates in its motion that if it files for a writ of certiorari, it will seek a stay in this Court pending its resolution of such efforts. ECF 72, 2 n.1. Such efforts could take months or

even years to resolve. There is no basis for detaining Mr. Daniels and keeping him detained pending potential (perhaps even likely) intervention by the Supreme Court.

Accordingly, the defense opposes the imposition of any pretrial detention and submits that Mr. Daniels should remain released without bond pending the resolution of his case.

Respectfully submitted this 26th day of February 2025.

PATRICK DARNELL DANIELS, JR., Defendant

By: /s/ Leilani L. Tynes
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CERTIFICATE OF SERVICE

I, Leilani Tynes, hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which has notified the Assistant United States Attorney of this filing.

This 26th day of February 2025.

/s/ Leilani Tynes
Assistant Federal Public Defender